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(covering memo)

July 14, 1983

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MEMORANDUM FOR MR. WILLIAM P. CLARK
THE WHITE HOUSE

SUBJECT: Central America - Forming a National Bipartisan
Commission

In accordance with the President's instructions as transmitted by memorandum dated July 12, 1983, there is hereby submitted a plan for convening a National Bipartisan Commission on Central America. The scenario now envisioned would have a preliminary staff level (Motley/Moore) meeting with Senator Jackson leading to a session hosted by the President to which would be invited the four principal Congressional sponsors of the Commission, along with other key members of the House and Senate (an analysis of legislative considerations in establishing the Commission is at Tab 1). The Executive Order establishing the Commission (a draft is at Tab 2) and the Commission's Charter (draft at Tab 3) would be promulgated on July 18, the same date on which the President would announce the Commission's formation.

The Commission must comply with the requirements of the Federal Advisory Committee Act. Note that Section 9(b) of the Act limits the Commission to solely advisory functions and specifies that "[d]eterminations of action to be taken and policy to be expressed with respect to matters upon which" the Commission advises "shall be made solely by the President or an officer of the Federal Government."

Charles Hill
Charles Hill
Executive Secretary

Attachments:

- Tab 1 - Legislative Considerations
- Tab 2 - Draft Executive Order
- Tab 3 - Draft Charter

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DECL: OADR

CONFIDENTIALPRESIDENTIAL COMMISSION - LEGISLATIVE CONSIDERATIONS

The Presidential Commission concept is viewed by Congressmen as an imaginative idea which originated on the Hill as a bipartisan shelter for Members who are increasingly nervous with what they see as a complex and deteriorating situation in the region. It is therefore of critical importance that, as the Commission is constituted and its mandate formed, we proceed in a parallel fashion with the Hill or, at the least, in a fashion acceptable to majority opinion in the Congress as a whole.

To ensure Administration-Hill conformity, Assistant Secretaries Moore and Motley will contact the four authors of the concept to exchange views on what the Administration has in mind for the Commission and what they might have in mind. This will be done not later than July 14 and the results of these preliminary discussions will be made available to the Secretary for follow-up discussions by phone with Senator Jackson on July 15.

Starting immediately after the President's announcement of the Commission on July 18, senior officials will undertake consultations with a wider selection of Hill figures, again to assure that Administration and Congressional views on the Commission and its mandate are not divergent. Consultations will be with Senators Percy, Pell, Helms and Zorinsky of the SFRC; Congressmen Zablocki, Broomfield, Barnes (again), and Lagomarsino of the HFAC; Senators Kasten and Inouye of the Senate Appropriations Foreign Operations Subcommittee; and Congressmen Long and Kemp (again) of the House Appropriations Committee Foreign Operations Subcommittee. Consultations will also be undertaken with the Senate Leadership, including Majority Leader Baker and Minority Leader Byrd, and the House Leadership, including Speaker O'Neill, Majority Leader Wright and Republican Leader Michel. Similar consultations will be undertaken with Chairman Goldwater and Vice Chairman Moynihan of the Senate Select Committee on Intelligence and with Chairman Boland and Ranking Minority Member Robinson of the House Select Committee on Intelligence. The Defense Department will be asked to conduct similar consultations with the Senate and House Armed Services Committees.

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DECL: OADR

D R A F T

CHARTER OF THE NATIONAL BIPARTISAN COMMISSION ON CENTRAL AMERICA

I. AUTHORITY

The National Bipartisan Commission on Central America was established by Executive Order No. _____ of July _____, 1983 ("the Order"), and is governed by the provisions of the Federal Advisory Committee Act ("the Act"), 5 U.S.C. App. I, which sets forth standards for the formation, use, and operation of advisory committees.

II. PURPOSE

The National Bipartisan Commission on Central America was established to study the nature of United States interests in the Central American region and the threats now posed to those interests. Based on its findings, the Commission will provide advice to the President on elements of a long-term United States policy that will best respond to the challenges of social, economic, and democratic development in the region, and to internal and external threats to its stability and security. The Commission will also provide advice on means of building a national consensus on a comprehensive United States policy for the region.

III. ORGANIZATION AND MEMBERSHIP

A. Membership. Pursuant to section 1(a) of the Order, the Commission shall be composed of eleven members appointed by the President from among distinguished leaders of the government, business, labor, education, Hispanic, and religious communities. No more than six may be members of the same political party.

B. Officers. Pursuant to section 1(b) of the Order, the President shall designate one of the members of the Commission to be the Chairman. The Chairman may appoint, from among the members of the Commission, other officers as he deems appropriate.

C. Subgroups. The Chairman may establish formal or informal subgroups as he deems appropriate to carrying out the work of the Commission.

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Assuming that the Hill is satisfied that its concerns are met in the composition of the Commission and in the formulation of its mandate, the groundwork will have been laid for our seeking full funding of our 1983 Supplemental requests and for our full reprogramming request for El Salvador. Full funding of the 1983 Supplemental would include \$50 million of MAP for El Salvador, \$17 million for Honduras, \$15 million for Costa Rica and \$1.5 million for Panama Canal Military Schools (PACAM). It would also include a request for \$142 million of ESF. In addition, we would seek Congressional approval for \$60 million of reprogrammed funds for El Salvador, not the \$30 million previously approved.

Moving to secure full funding of the 1983 Supplemental and our reprogramming request will, we believe, be viewed by many on the Hill as an appropriate short-term quid for the quo of enthusiastic Administration support for the Commission concept. To be sure, there is the possibility that some Congressmen will argue that the full funding should await the initial results of Commission deliberations. In other words, we could find ourselves in a "chicken and egg" situation decidedly disadvantageous to the immediate needs of the region. On balance, however, we are confident that the latter sentiment can be overcome by our strong assertions that this money is necessary now to secure potential options of the Commission for the future.

When the Commission is constituted and has commenced its deliberations, the time should be appropriate for requests for increased funding over and above 1984 CPD levels. Such requests before that time could be highly damaging both to the Commission concept and to the requests for funds. Dropping a large bill on the table even before the Commission is underway would be seen by many skeptical Members as merely a cynical effort to use the Commission as a fig-leaf to cover a vastly increased U.S. involvement, much of it military, in the region.

In sum, properly constructed and run, the Presidential Commission can be of great benefit both to the Administration and to the Hill. It is important, however, that the Hill temperature be taken frequently, via consultations, to insure that our paths of interests do not part. A parting of the ways could discredit the Commission itself and effectively preclude possibilities for increased funding levels and bipartisan support which the President is seeking.

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D R A F T

Executive Order _____ of _____.

NATIONAL BIPARTISAN COMMISSION ON CENTRAL AMERICA

By the authority vested in me as President by the Constitution of the United States, and to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), the National Bipartisan Commission on Central America, it is hereby ordered as follows:

Section 1. Establishment. (a) There is established the National Bipartisan Commission on Central America. The Commission shall be composed of no more than 11 members appointed or designated by the President. These members shall be drawn from among distinguished leaders of the government, business, labor, education, Hispanic, and religious communities. No more than 6 shall be members of the same political party.

(b) The President shall designate one of the members to be the Chairman.

Section 2. Functions. (a) The Commission shall study the nature of United States interests in the Central American region and the threats now posed to those interests. Based on its findings, the Commission shall provide advice to the President on elements of a long-term United States policy that will best respond to the challenges of social, economic, and democratic development in the region, and to internal and external threats to its stability and security. The Commission shall also provide advice on means of building a national consensus on a comprehensive United States policy for the region.

(b) The Commission shall make a report to the President and the Congress by December 1, 1983.

Section 3. Administration. (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information and assistance as it may require for the purpose of carrying out its functions.

(b) Members of the Commission shall serve without any additional compensation for their work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5702-5707), to the extent funds are available therefor.

(c) The Secretary of State shall, with appropriate assistance from the heads of other Executive agencies, provide the Commission with such administrative services, staff, and other support services as may be necessary. Expenses of the Commission shall be paid from such funds as may be available to the Secretary of State.

Section 4. General. (a) Notwithstanding any other Executive Order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Secretary of State, in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The Commission shall terminate 60 days after submitting its final report.

III. SUPPORT FUNCTIONS

A. Provision of Support. Pursuant to section 3(c) of the Order, the Department of State shall provide administrative services, and other necessary support to the Commission. Expenses of the Commission shall be paid from funds available to the Secretary of State.

B. Assistance from Executive Agencies. Pursuant to subsection 3(a) of the Order, heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information and assistance as it may require for the purpose of carrying out its functions. Pursuant to section 3(c) of the Order, heads of Executive agencies shall also render, consistent with the Act, appropriate assistance to the Secretary of State in providing support to the Commission.

C. Staff. The Under Secretary for Management of the Department of State shall designate one officer or employee of the Department of State to serve as Executive Director of the Commission, one to serve as Counsel to the Commission, and other officers or employees of the Federal Government to fill such other staff positions as he deems appropriate.

IV. OPERATIONS

A. Functions of the Chairman. In accordance with the Act, the Chairman shall:

- (1) call meetings with the concurrence of the Executive Director;
- (2) prepare or approve the agenda for meetings;
- (3) preside at meetings;
- (4) provide for the keeping of detailed minutes of meetings of the Commission;
- (5) provide for the maintenance and retention of the records of the Commission; and
- (6) certify the accuracy of the minutes of meetings of the Commission.

B. Functions of the Executive Director. In accordance with the Act, the Executive Director shall:

- (1) attend each meeting of the Commission and adjourn such meetings if adjournment is in the public interest;
- (2) call or concur in the calling of all meetings of the Commission;
- (3) serve as contact point for the public to provide current information concerning the operations of the Commission; and
- (4) under the general direction of the Commission and its Chairman, supervise the operations of the staff.

C. Meetings of the Commission. No quorum for meetings is required. All meetings of the Commission will be open to the public unless a determination has been made, in accordance with section 10(d) of the Act and 41 CFR 101-6.1023, that a meeting or a portion of a meeting should be closed to the public. Unless otherwise determined by the President for reasons of national security, timely notice of each meeting, whether open or closed, shall be published in the Federal Register stating the name of the Commission, the time, place, and purpose of the meeting, and the name, address, and telephone number of the designated Government employee that members of the public may contact for further information. Except in exceptional circumstances, such notice shall be published at least 15 days in advance of the meeting day. If shorter notice is given, the reason must be stated in the notice. It is estimated that the Commission will hold approximately _____ meetings, at intervals of approximately _____.

D. Records of the Commission. The Commission's records will consist of all papers, documents, and other materials pertinent to its establishment and activities, including its charter, agendas of meetings, determinations for closed meetings, minutes, reports, and all documents related to its proceedings and those of its subgroups, including working papers, drafts, studies or other documents made available to or prepared for or by the Commission or its subgroups. These records shall be available for public inspection and copying to the extent required by the Freedom of Information Act, 5 U.S.C. 552. These records shall be maintained by the Commission for the term of its operations, and shall be deposited with the Department of State upon the termination of the Commission.

E. Minutes of Meetings. Detailed minutes shall be kept of each meeting of the Commission, which shall include a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued or approved by the Commission. The accuracy of such minutes shall be certified by the Chairman.

F. Public Participation. At any meeting of the Commission open to the public, but not at closed meetings, interested persons shall be permitted to attend and to make an appearance before or to file written statements with the Commission.

V. REPORT

Pursuant to subsection 2(b) of the Order, the Commission shall make a report to the President and the Congress by December 1, 1983.

VI. COMPENSATION OF MEMBERS

Pursuant to subsection 3(b) of the Order, members of the Commission shall serve without any additional compensation for their work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized for persons serving intermittently in the government service (5 U.S.C. 5702-5707), to the extent funds are available therefor.

VII. ESTIMATED COSTS

Subject to the availability of funds, the estimated cost for operating the Commission, including travel expenses for members but excluding staff support, is \$ _____. Estimated staff support required is _____ man-years, at an estimated cost of \$ _____.

VIII. TERMINATION

Pursuant to subsection 4(b) of the Order, the Commission shall terminate 60 days after submitting its final report.